

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

NATHAN DAVID CURRY

Plaintiff,

V.

CASE NO.: 7:23-CV-00030 (WLS)

WESTERN EXPRESS

Defendant.

ORDER

On July 16, 2024, Defendant filed a Motion to Dismiss (Doc. 7). Because Plaintiff is proceeding pro se, the Court shall provide the instant Notice about how Plaintiff may respond to a motion to dismiss. *See generally Griffith v. Wainwright*, 772 F.2d 822 (11th Cir. 1985) (per curiam).

When considering a motion to dismiss, the Court accepts as true all facts set forth in a plaintiff's complaint. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 556 (2007); *Wilchombe v. TeeVee Toons, Inc.*, 555 F.3d 949, 959 (11th Cir. 2009). Although the complaint must contain factual allegations that “raise a reasonable expectation that discovery will reveal evidence of” the plaintiff's claims, *Twombly*, 550 U.S. at 556, Rule 41 of the Federal Rules of Civil Procedure provides that “[i]f the plaintiff fails to prosecute or to comply with [the Federal Rules of Civil Procedure] or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision . . . operates as an adjudication on the merits.” Fed. R. Civ. P. 41(b).

Under the procedures and policies of this Court, motions to dismiss are normally decided on briefs. Plaintiff may submit his argument to this Court by filing a brief in opposition to Defendant's Motion to Dismiss. Unless the Court has granted prior permission, any brief should not exceed 20 pages. M.D. Ga. L.R. 7.4. Furthermore, the Court's resolution of a motion to dismiss could result in granting judgment, and there would be no trial or further proceedings as to the moving defendant. In other words, judgment could be entered in Defendant's favor and against Plaintiff without further hearing or proceeding.

Because Plaintiff is proceeding pro se, the Court shall permit Plaintiff an opportunity to file a response, if he so desires, within **TWENTY-ONE (21) DAYS** of this Order or until **Tuesday, August 27, 2024**. Thereafter, the Court will consider Defendants' Motion to Dismiss, together with Plaintiff's response, if any, and make its ruling.

SO ORDERED, this 6th day of August 2024.

/s/ W. Louis Sands
W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT